IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

PHILIP SIMS,)
Plaintiff,)) Case No. 4:09-cv-01213-CD
VS.)
PROGRESSIVE DIRECT)
INSURANCE COMPANY,)
Defendant.	,)

DEFENDANT'S MOTION FOR RULING ON REASONABLENESS OF MEDICAL BILLS

Comes now Defendant and for its Motion states:

- 1. This lawsuit against Defendant was filed after the Tort Reform Act of 2005 took effect.
- 2. Genuine dispute exists between the parties as to the value of bills which will be presented as evidence in this case.
- 3. Defendant believes that §490.715, R.S.Mo. (Cum. Supp. 2008) applies in this case in that the amount of medical expenses admitted into evidence should only be the amounts paid, as such amounts were what was reasonable and necessary, if believed to be due to the injuries sustained by Plaintiff in the accident described in the Petition.

WHEREFORE, Defendant prays the Court for an Order deciding that the reasonable value of Plaintiff's medical services to be presented and evidence at the trial of the case is the amount of bills paid and for such other and further relief as the Court deems just and proper.

/s/ Daniel E. Wilke

Daniel E. Wilke #5949 Stephen A. Wilke #497604 Attorneys for Defendant WILKE & WILKE, P.C. 2708 Olive Street St. Louis, Missouri 63103 314-371-0800 Fax: 314-371-0900

wilkewilke@accessus.net

I hereby certify that on May 28, 2010 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Robert J. Albair
Attorney at Law
13421 Manchester Road, Suite 106
St. Louis, MO 63131

r_albair@msn.com
ATTORNEY FOR PLAINTIFF

/s/ Daniel E. Wilke

Daniel E. Wilke #5949 Stephen A. Wilke #497604 Attorney for Defendant WILKE & WILKE, P.C. 2708 Olive Street St. Louis, Missouri 63103 314-371-0800

SAW:lb